

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 02-10890 NG

PETER J. LIMONE *et al*,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

**PLAINTIFFS' MOTION FOR RECOVERY OF COSTS  
PURSUANT TO FED. R. CIV. P. 54(d)(1) and 28 U.S.C. §2412(a)  
and  
RECOVERY OF REASONABLE FEES AND COSTS  
PURSUANT TO FED. R. CIV. P. 54(d)(2) and 28 U.S.C. §2412(b)**

On July 26, 2007, this Court rendered a decision against the United States of America in the above-captioned action. Pursuant to Fed. R. Civ P. 54(d)(2) and 28 USC §2412(b) the plaintiffs move for the recovery of reasonable attorney fees and the expenses of its attorney due to the bad faith of the United States in this civil action.

The plaintiffs also move pursuant to Fed. R. Civ. P. 54(d)(1) and 28 U.S.C. §2412(a) for the recovery of costs.

In support of this motion, the plaintiffs rely on the attached memorandum of law and various supporting affidavits (which will be submitted to the Court by hand).

**WHEREFORE**, the plaintiffs respectfully request that this Court:

A) Grant the within motion and order the Defendant, United States of America, to reimburse the plaintiffs for reasonable fees and costs in the amounts more fully described below:

(i) **Peter J. Limone and Henry “Enrico” Tameleo:**

a. **Burns & Levinson LLP., and  
Wolf Block, Schorr and Solis-Cohen, LLP.:**

- i. Attorney fees in the amount of \$ 2,211,983.50; and
- ii. Costs in the amount of \$ 177,546.77.

b. **Michael Avery, Esquire:**

- i. Attorney fees in the amount of \$ 382,465.00.

c. **Koski & Kearns LLP:**

- i. Attorney fees in the amount of \$ 299,126.75; and
- ii. Costs in the amount of \$ 4,011.60.

(ii) **Roberta Werner (as executrix to the estate of her ex-husband, Louis Greco, and administratrix of her late son, Louis Greco Jr):**

a. **Deutsch Williams Brooks DeRensis & Holland P.C.:**

- i. Attorney fees in the amount of \$ 691,635.25; and
- ii. Costs in the amount of \$ 36,018.91.

b. **Posternak Blankstein & Lund LLP.:**

- i. Attorney fees in the amount of \$ 558,623.00; and
- ii. Costs in the amount of \$ 28,167.34.

(iii) **Edward Greco:**

a. **Law Office of Howard Friedman:**

- i. Attorney fees in the amount of \$ 178,152.00; and
- ii. Costs in the amount of \$ 2,790.19.

b. **Rachlis, Durham, Duff, Adler:**

- i. Attorney fees in the amount of \$ 200,687.25; and
- ii. Costs in the amount of \$ 17,382.

(iv) **Joseph Salvati:**

a. **Rome, McGuigan, Sabanosh P.C.:**

- i. Attorney fees in the amount of \$ 1,843,993.00; and
- ii. Costs in the amount of \$ 235,557.36.

b. **Victor J. Garo, Esquire:**

- i. Attorney fees in the amount of \$ 324,906.00.

(v) **General:**

a. **John Cavicchi, Esquire:**

- i. Attorney fees in the amount of \$ 209,225.00; and
- ii. Costs in the amount of \$ 1,503.91.

B) Grant such further relief as this Court deems necessary and just.

Respectfully Submitted,

**By Plaintiffs:**

<p><b>EDWARD GRECO,</b> By his attorneys, <u>/s/ Howard Friedman/IHM</u> Howard Friedman (BBO # 180080) Jennifer L. Bills (BBO # 652223) Myong J. Joun (BBO # 645099) Law Office of Howard Friedman 90 Canal Street, 5<sup>th</sup> Floor Boston, MA 02114</p> <p>Michael Rachlis Edwin Durham Rachlis, Durham, Duff, Adler 542 South Dearborn Street, Suite 1310 Chicago, IL 60605</p>	<p><b>PETER J. LIMONE, OLYMPIA LIMONE, PETER A. LIMONE, CAROLYN LIMONE ZENGA, JANINE LIMONE ARRIA, SAVERIO TAMELEO individually and as the ADMINISTRATOR OF THE ESTATE OF ENRICO (HENRY) TAMELEO and as the ADMINISTRATOR OF THE ESTATE OF JEANETTE TAMELEO,</b> By their attorneys, <u>/s/ Juliane Balliro/IHM</u> Juliane Balliro (BBO # 028010) Christine M. Griffin (BBO # 651401) Wolf, Block, Schorr and Solis-Cohen, LLP One Boston Place Boston, MA 02108 617-226-4000</p> <p>William T. Koski, Esq. Koski &amp; Kearns, LLP One Bowdoin Square, Suite 300 Boston, MA 02114 617-973-4525</p> <p>Michael Avery, Esq. Suffolk University Law School 120 Tremont Street Boston, MA 02108-4977 617-573-8551</p>
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<b>ROBERTA WERNER IN ALL HER CAPACITIES,</b> By her attorneys, <u>/s/ Ian Moss</u> Richard Bickelman (BBO # 175540) Ian Moss (BBO # 658557) Posternak Blankstein & Lund LLP 800 Boylston Street, Prudential Tower Boston, MA 02199 617-973-6100  John Foskett (BBO # 175540) Daniel R. Deutsch (BBO # 551744) <b>DEUTSCH WILLIAM BROOKS DERENSIS &amp; HOLLAND, P.C.</b> 99 Summer Street Boston, MA 02110-1213 617-951-2300	<b>MARIA SIDMAN, GAIL ORENBERG, SHARON SALVATI, ANTHONY SALVATI, MARIE SALVATI and JOSEPH SALVATI</b> By their attorneys, <u>/s/ Joseph Burns/IHM</u> Austin J. McGuigan, Esq. (BBO # 750385) Glenn E. Coe (BBO # 565230) Joseph B. Burns, Esq. <i>Pro Hac Vice</i> Rome, McGuigan, Sabanosh P.C. One State Street, 13 <sup>th</sup> Floor Hartford, CT 06103-3101 860-549-1000  Victor J. Garo, Esq. (BBO # 185940) 10 High Street, Suite 14 Medford, MA 02155
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Dated: October 8, 2007

**CERTIFICATE OF SERVICE**

I, Ian H. Moss, hereby certify that it is my understanding that the foregoing document will be served on all counsel of record via email through the Court's ECF filing system upon the electronic filing of this document with the Court on this the 8<sup>th</sup> day of October 2006.

/s/ Ian H. Moss  
Ian H. Moss

**LOCAL RULE OF CERTIFICATION**

On October 8, 2007, undersigned counsel conferred with Bridget Bailey Lipscombe, Esquire, counsel for the United States, who advised that the United States would oppose this Motion. The parties were unable to resolve the issues herein prior to filing this motion.

/s/ Ian H. Moss  
Ian H. Moss